

The Advocate

For and about small businesses and local governments affected by environmental regulations

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Permits by Rule: New Record- Keeping Requirements

Auto body and auto repair shops, printers, dry cleaners, metal finishers, animal-feeding operations and cotton gins: these are just a few of the facilities affected by new record-keeping requirements for businesses claiming air permits by rule.

Effective April 1, facilities like these that operate under a “permit by rule” – or PBR – must keep records showing that they do not exceed the general emission limits. PBRs allow certain types of facilities that emit low volumes of air contaminants to operate without obtaining a site-specific permit so long as they comply with the additional limits listed in 30 TAC §106.4.

Facilities with a PBR authorization that *only* names the type of facility and does not have any specific requirements must keep normal business records (such as production or purchase documents) and make those available to the TNRCC upon request.

Facilities claiming a PBR that has specific requirements must maintain records sufficient to show that they meet all appropriate PBR conditions. If you are a major source and subject to federal record-keeping requirements, you must keep such records for five years. All other facilities in

2002 Dates to Remember

Pull out your calendar and jot down these dates! We’ve done our best to compile a list of reporting deadlines and dates for other events of interest to small businesses and local governments. Unless otherwise stated, these dates are when the report is due to the TNRCC.

January

- 25:** Industrial & Hazardous Waste Annual Waste Summary (paper filers only)
 - Used Oil Collection Center Annual Report
 - Used Oil Processors and Re-Refiners Biennial Report
 - Used Oil Filter Handlers Biennial Report and Re-Registration
- 31:** Stage II Vapor Recovery Exemption Confirmation Form

March

- 1:** Annual Water Use Report by Water Rights Holders
 - Industrial & Hazardous Waste Annual Waste Summary Report (electronic filers)
 - Medical Waste Transporter Annual Waste Report
 - On-Site Treatment of Medical Waste on Mobile Vehicles Report
 - Scrap Tire Transporter Annual Activity Report
 - Scrap Tire Facility and Storage Site Combined Annual Activity Report
- 31:** Air Point Source Emissions Inventory

April

- 9-13:** Environmental Crimes Prevention Week
- 22:** Earth Day

May

- 6:** TNRCC Environmental Trade Fair opening day
- 7:** Texas Environmental Excellence Awards Banquet

June

- 15:** Sludge Transporter Annual Report
- 30:** Semiannual report due to TNRCC from Categorical Industrial Users (CIUs) that discharge process wastewater to Publicly Owned Treatment Works (POTWs) lacking an approved Texas Pollutant Discharge Elimination System (TPDES) pretreatment program (see also Dec. 31)

July

- 1:** Deadline for distributing Consumer Confidence Reports (on drinking water quality) to community water system customers
 - Deadline for submitting Toxics Release Inventory Form R to TNRCC and EPA

August

- 1:** Certificate of Delivery of Consumer Confidence Reports

September

- 16-22:** National Pollution Prevention Week

November

- 9:** Application deadline for 2003 Texas Environmental Excellence Awards
- 15:** Texas Recycles Day

December

- 31:** Semiannual report from CIUs discharging process wastewater to POTWs without approved TPDES pretreatment programs (see also June 30)

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TNRCC Considering Point System for Rating Compliance History

The TNRCC is crafting a system to implement a new law that requires the agency to consider compliance history in most decisions on permitting, enforcement, use of announced inspections, and participation in innovative programs.

The proposed rules are scheduled for publication in the *Texas Register* in mid-April, with public comments accepted through mid-May. The proposed rules will be available for review on the TNRCC's Web site. Log on to www.tnrcc.state.tx.us/oprd/index.html and click on "What's New In Policy and Rules."

The proposals would use compliance history to evaluate each site owned by an entity. Evaluation components could include positive factors, such as participation in programs to improve compliance with environmental regulations, as well as negative factors, such as the number and severity of past violations. Based on the evaluation, an entity then would be ranked, for example, as a poor, average, or high performer. Under the law, the agency is required to post a facility's compliance history classification on the Internet.

The new compliance history system must be in place by Sept. 1, 2002.

Proposed Components of Compliance History

- enforcement orders
- court judgments
- consent decrees
- criminal convictions
- chronic excessive emissions events
- written Notices of Violations
- + environmental management systems
- + voluntary on-site compliance assessments
- + participation in voluntary pollution reduction program
- + early compliance with future state or federal requirements
- + environmental audit participation

Concerned about grease trap waste and similar liquid wastes? TNRCC specialists are available to conduct a workshop which will explore solutions to the problems of grease trap waste management and illegal dumping of these wastes in your area. Contact David James, 512/239-3184 or Ray Pizarro, 512/239-2588.

Cold Cash for Clean Air

Texans can cash in with grants, rebates, and other incentives under the new Texas Emissions Reduction Plan (TERP).

In the 38 counties of the state with demonstrated air quality problems, grants will be available for:

- ◆ lease and purchase of new off-road equipment;
- ◆ engine replacements;
- ◆ engine retrofits;
- ◆ equipment add-ons for off-road equipment; and
- ◆ on-road heavy-duty vehicles.

Infrastructure projects (such as alternative fueling stations), purchase and use of cleaner fuels, and new technology demonstration projects also are eligible for funding.

Statewide, rebates will be available beginning in August 2002 for the purchase or lease of new, cleaner on-road vehicles, both heavy- and light-duty.

In addition, incentives for innovative, enhanced energy efficiency programs will be available statewide

through the Texas Public Utility Commission.

The first round of applications for TERP grants was limited to projects in the Houston/Galveston and Dallas-Fort Worth nonattainment areas. Awards will be announced in February 2002.

TERP funding may be available for: **On-road, heavy-duty vehicles** with a gross vehicle weight rating (GVWR) of over 10,000 pounds, including:

- Delivery/cargo vans
- Heavy-duty pickup trucks
- School buses
- Transit buses
- Fuel trucks
- Garbage/recycling trucks
- Concrete trucks
- Dump trucks
- Line haul trucks

Off-road, diesel-powered equipment, including:

- Pavers
- Tampers and rammers
- Plate compactors
- Concrete pavers
- Rollers
- Scrapers

TNRCC is scheduled to announce the next round of grant applications in February 2002. For details or guidance documents and applications, log on to www.tnrcc.state.tx.us/oprd/sips/terp.html or contact TNRCC's TERP coordinators Bill Jordan or Steve Dayton at 512/239-4900.

- Paving equipment
- Surface equipment
- Signal boards/light plants
- Trenchers
- Bore/drill rigs
- Excavators
- Concrete/industrial saws
- Cement and mortar mixers
- Cranes
- Graders
- Off-highway trucks
- Crushing/processing equipment
- Rough terrain forklifts
- Rubber tire loaders
- Rubber tire tractors/dozers
- Tractors/loaders/backhoes
- Crawler tractors/dozers
- Skid steer loaders
- Off-highway tractors
- Dumpsters/tenders

Permits by Rule Continued

this category must keep these records for two years.

Record-keeping also is required for air emissions from routine maintenance, start-up and shutdown activities, and temporary maintenance facilities authorized by PBR (§106.263). This PBR was formerly titled “Repairs and Maintenance.” Facilities claiming the revised PBR must tally and keep on a rolling 12-month basis total emissions from these activities to ensure they are under the limits specified in (§106.4). Emissions from single maintenance instances must not exceed the “Reportable Quantities” for air contaminants listed by the U.S. Environ-

mental Protection Agency. (View the complete list by logging on to www.epa.gov/docs/epacfr40/chapt-I.info/subch-J.htm, then clicking on “Part 302 - Designation, Reportable Quantities, and Notification.”)

However, you may not need to claim 106.263 if your maintenance, start-up, and shutdown emissions are “de minimis,” meaning “very small, insignificant additions to back-ground concentrations” that “cause no discernable or unacceptable impact to public health.” Call the SBLGA hotline at 1-800-447-2827 if you have questions about the types of operations and rates of chemical usage that would qualify as de minimis. ■

You Can Call on Us

Confused about environmental regulations?

Concerned about inspections?

Who can you turn to for help?

Call the folks with

**Small Business and Local Government Assistance
1-800-447-2827**

You can get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the Texas Natural Resource Conservation Commission (TNRCC).

Small Business and Local Government Assistance (SBLGA) works for you by:

- providing local environmental assistance when and where it’s needed;
- giving small business and local government a voice in TNRCC rule and policy making; and
- communicating technical information in plain language.

***SBLGA is entirely separate
from TNRCC’s enforcement program.***

With SBLGA, you benefit from:

- a toll-free hotline and Web site with answers to technical questions on air, water, waste, and pollution prevention;
- industry-specific compliance guidebooks for metal finishers, printers, dry cleaners, auto body and auto repair shops, and facilities making wood and fiberglass products;
- the *Local Government Guide to the TNRCC* (GI-145), a reference book with plain language environmental information; and
- many more services.

Local Specialists are Ready to Help You!

You’ve also got free, confidential help right in your back yard. Just check the list below for your local compliance assistance specialist:

Region 1 (Amarillo)

Doug White 806/468-0505

Region 2 (Lubbock)

Celeste Hoehne 806/788-5005

Region 3 (Abilene)

Kara Dudash 915/698-6104

Region 4 (Dallas/Ft. Worth)

Mike Smithson 817/588-5836
Melinda Houlihan 817/588-5868

Region 5 (Tyler)

Kevin Glanton 903/535-5133
Cynthia Skief 903/535-5158

Region 6 (El Paso)

Pamela Aguirre 915/834-4971

Region 7 (Midland)

Kit Owens 915/620-6116

Region 8 (San Angelo)

Bill Koger 915/481-8061

Region 9 (Waco)

Elaine Alexander 254/761-3044
Trey Buzbee 254/761-3039

Region 10 (Beaumont)

Charlie Adams 409/899-8788

Region 11 (Austin)

Scott Wiedeman 512/239-7015

Region 12 (Houston)

Clarence Gray 713/767-3582
Cynthia Williams 713/767-3549

Region 13 (San Antonio)

Christine Bergren 210/403-4028
Christi Carson 210/403-4039

Region 14 (Corpus Christi)

Glenda Swierc 361/825-3421

Region 15 (Harlingen)

Luis Campos 956/389-7425
Jane Scheidler 956/389-7426

Region 16 (Laredo)

1-800-447-2827

UPCOMING EVENTS:

Grease & Grit Trap Waste Issues Workshop

Tyler, January 24; Patrick Bowles, 903/531-1232

Air Emissions Inventory Workshop

Houston, Feb. 5-6; Sue Phillips, 512/239-6327

Fort Worth Small Business Advisory Committee

Fort Worth, Feb. 13; Mike Smithson, 817/588-5836

Grease & Grit Trap Waste Issues Workshop

Fort Worth, February 14; Steve Hodge, 817/277-7591

Clean Texas Partnerships Conference

San Antonio, Feb. 18-20; Rob Borowski, 512/239-3187

Dallas Small Business Advisory Committee

Dallas, Feb. 19; Melinda Houlihan, 817/588-5868

On Site Wastewater Treatment Research Council

Waco, March 5-6; Diane Stalling, 512/239-6333

Municipal Solid Waste Management & Resource Recovery Advisory Council

Austin, beginning March 7; Gary Trim, 512/239-6708

Houston Small Business Advisory Committee

Houston, March 14; Clarence Gray, 713/767-3582

Golden Triangle Small Business Advisory Committee


Beaumont, March 21; Charlie Adams, 409/899-8788

The Advocate is published quarterly by the Small Business and Local Government Assistance Program. Comments or suggestions for future articles should be sent to:

The Advocate Editor
Small Business and Environmental
Assistance Division, MC 106
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Toll Free
1-800-447-2827
(All calls are confidential)
Fax: 512/239-1065

Web Site:
www.tnrcc.state.tx.us/exec/sbea/sblga.html

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RETURN SERVICE REQUESTED

SMALL BUSINESS AND ENVIRONMENTAL
ASSISTANCE DIVISION, MC 106
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
PO BOX 13087
AUSTIN TX 78711-3087



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